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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,643	12/07/2000	Yair Dar	204,923	9960

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ABELMAN FRAYNE & SCHWAB
150 East 42nd Street
New York, NY 10017

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,643

Applicant(s)

DAR ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-38, 42-50 and 55-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-38, 42-50 and 55-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-8.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Preliminary filed February 24, 2004. By the Preliminary Amendment, claims 1-22, 39-41 and 31-55 have been canceled. Claims 23-38, and 42-50 and 56-63 are pending in the application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 23-38, 42-50 and 55-63 are rejected under 35 U.S.C. 102(b) as being anticipated over by Hirshberg (U.S. Patent No. 5,289,369)

As per claims 23, 25-26, 28-34, 36-38, 42-44, 46-50, and 55-63, Hirshberg discloses a car rent system comprising: at least one sensor on-board a vehicle and automatically sensing at least one of the time during which said vehicle is being operated and where said vehicle is located when it is being operated (col. 2, lines 43-47); at least one communicator on-board said vehicle providing an output indicating at least one of the time during which said vehicle is being operated and where said vehicle is located when it is being operated (col. 4, lines 30-51); and at least one data processor receiving a communication from said at least one communicator, indicating at least one of the time during which said vehicle is being operated and where said vehicle is located when it is being operated and providing a billing data output in respect of a vehicle-related service which is dependent only on at least one of the time during which said

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vehicle is being operated and where said vehicle is located when it is being operated col. 2, lines 28-42).

As per claim 24, Hirshberg discloses a car rent system comprising: at least one sensor on-board a vehicle and automatically sensing only at least one of the time during which said vehicle is being operated and where said vehicle is located when it is being operated (col. 2, lines 43-47); at least one communicator on-board said vehicle providing an output indicating at least one of the time during which said vehicle is being operated and where said vehicle is located when it is being operated; and at least one data processor receiving a communication from said at least one communicator, indicating at least one of the time during which said vehicle is being operated and where said vehicle is located when it is being operated (col. 2, lines 43-47 and col. 4, lines 30-51), and providing a billing data output in respect of a vehicle-related service which is dependent on at least one of the time during which said vehicle is being operated and where said vehicle is located when it is being operated (col. 2, lines 38-42).

As per claim 27, Hirshberg further discloses wherein said intermediate storage and communication unit is located at a vehicle fueling station (col. 4, lines 39-51).

As per claim 35, Hirshberg further discloses wherein said communicator communicates with an intermediate storage and communication unit only when a vehicle in which said communicator is located is at one of a plurality of predetermined locations Determining the location of the vehicle in real-time) (col. 5, lines 27-33).

As per claim 45, Hirshberg further discloses wherein said intermediate storage and communication unit is located at a vehicle fueling station (col. 5, lines 27-33).